

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

HENRY SEELIGSON, JOHN M.	§	
SEELIGSON, SUZANNE SEELIGSON	§	
NASH, and SHERRI PILCHER, individually	§	
and on behalf of all others similarly situated,	§	Case No. 3:16-cv-00082-K
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
DEVON ENERGY PRODUCTION	§	
COMPANY, L.P.,	§	
	§	
<i>Defendant.</i>	§	

**PLAINTIFFS' SUPPLEMENTAL MOTION FOR CLASS CERTIFICATION**

Pursuant to this Court's Order for Supplemental Class Certification Proceedings (ECF No. 205), Plaintiffs Henry Seeligson, John M. Seeligson, Suzanne Seeligson Nash and Sherri Pilcher ("Plaintiffs") respectfully move the Court for an Order pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(3):

(1) Certifying the following class:

All persons or entities who, between January 1, 2008 and February 28, 2014, (i) are or were royalty owners in Texas wells producing natural gas that was processed through the Bridgeport Gas Processing Plant by Devon Gas Services, LP ("DGS"); (ii) received royalties from Devon Production Company, L.P. ("DEPCO") on such gas; (iii) had oil and gas leases that were on one of the following forms: Producers 88-198(R) Texas Paid-Up (2/93); MEC 198 (Rev. 5/77); Producers 88 (Rev 10-70 PAS) 310; Producers 88 Revised 1-53—(With Pooling Provision); Producers 88 (2-53) With 640 Acres Pooling Provision; Producers 88 (3-54) With 640 Acres Pooling Provision; Producers 88 (4-76) Revised Paid Up with 640 Acres Pooling Provision; Producers 88 (7-69) With 640 Acres Pooling Provision; and Producers 88 (Rev. 3-42) With 40 Acres Pooling Provision (the "Class Lease

Forms”); and (iv) had one or more of the oil and gas leases listed on the “Class Lease List.”<sup>1</sup>

The persons or entities excluded from the Class are: (a) overriding royalty interest owners who derive their interest through the oil and gas lease; (b) all governmental entities, including federal, state and local governments and their respective agencies, departments, or instrumentalities; (c) the States and territories of the United States or any foreign citizens, states, territories or entities; (d) the United States of America; (e) owners of any interests and/or leases located on or within any federally created units; (f) owners of any non-operating working interest for which DEPCO or its agents or representatives, as operator, disburses royalty; (g) DEPCO and any entity in which DEPCO has a controlling interest, and their officers, directors, legal representatives and assigns; and (h) members of the judiciary and their staff to whom this action is assigned.

- (2) Holding that Plaintiffs have presented specific evidence demonstrating that the breach of the duty to market and damages from any such breach can be evaluated classwide and that the statute of limitations does not raise individual issues that predominate over common questions; and
- (3) Affirming its prior class certification findings.

In support thereof, Plaintiffs submit the accompanying Brief in Support of Plaintiffs’ Supplemental Motion for Class Certification and Appendix to Plaintiffs’ Supplemental Motion for Class Certification.<sup>2</sup>

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs’ Supplemental Motion for Class Certification pursuant to FED. R. CIV. P. 23(a), and FED. R. CIV. P. 23(b)(3).

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<sup>1</sup> The “Class Lease List” is attached to the October 9, 2015 Supplemental Expert Report of Rick Harper as Exhibit I. *See* APP.239-326.

<sup>2</sup> Plaintiffs incorporate by reference Plaintiffs’ Motion for Class Certification, Appointment of Class Representatives, and Appointment of Class Counsel with attached exhibits (ECF 51) and Reply thereto with attached exhibits (ECF 86); Plaintiffs’ Motion to Reconsider Order Denying Class Certification and Motion for Leave to File Second Class Certification Motion (ECF 151), Brief in Support (ECF 152), with Appendix in Support (ECF 153), and Reply thereto (ECF 168); Plaintiffs’ supplementation of the record (*see* ECF 175, ECF 180), and Plaintiffs’ Executive Summary Regarding Class Certification (ECF 183).

Dated: May 7, 2019

Respectfully submitted,

/s/ Joshua L. Hedrick

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***Counsel for Plaintiffs and the Proposed Class***

**CERTIFICATE OF CONFERENCE**

I hereby certify that that on May 1, 2019, counsel for Plaintiffs, Brad Seidel, conferred with counsel for Defendant, Craig Haynes, who stated that Defendant opposes the relief sought herein.

/s/ Joshua L. Hedrick

**CERTIFICATE OF SERVICE**

On May 7, 2019, I caused to be electronically submitted the foregoing document with the clerk of court for the U.S. District court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Joshua L. Hedrick